

Rain leaves farmers in rush

By **ERIC MORTENSON**
Capital Press

The heavy rain accompanying October’s storms mud-died fields, hampered harvests and delayed plantings in some cases, and skewed reports from government precipitation monitors while it was at it. Automated monitoring equipment maintained by the USDA’s Natural Resources Conservation Service in Portland showed precipitation off the charts in Oregon basins compared to average for this time of year.

In the Coast Range mountains, precipitation was measured at 643 percent of average as of Oct. 17, while Willamette basin sites measured snow and rain at 509 percent of average. Monitoring equipment in other basins recorded precipitation at more than 300 and 400 percent of average.

In Portland, October rainfall reached 5.86 inches as of Oct. 19. The average for the entire month is about 3 inches, according to the National Weather Service.

The heavy rain sent farmers scrambling to finish fall work, said Michael Bondi, director of Oregon State University’s North Willamette Research and Extension Center in Aurora. “It caught us all by surprise,” he said.

The USDA’s National Agricultural Statistics Service in Portland said heavy rain limited field work and created poor harvest conditions for some producers. In other cases, such as wine grapes, most growers were able to finish harvesting before the heavy rains hit.

Grower Ray Drescher, in the Gervais area, said his sweet corn harvesting equipment isn’t geared for working in such wet weather and he’ll be hard-pressed to finish picking by the end of the week. The co-op he delivers to, NORPAC, has said corn might be too ripe if it wasn’t picked by Thursday or Friday. Drescher said he was able to harvest cauliflower, however.

Farmer Brenda Frketich, of St. Paul, Ore., used her blog, www.NuttyGrass.com, to talk about harvesting hazelnuts in the rain.

“It was a good reminder that not all harvests go as smoothly as they have the past three years with only the dust to complain about,” she wrote. “Mud is much worse!”

The precipitation figures compiled by NRCS are misleading to a certain extent because they measure precipitation only since the beginning of the “water year,” which began Oct. 1, and compare it to the average amount reached at the same point in other years. Heavy rain or snow in a short period, such as happened this fall, can make the early results seem extremely dramatic, said Scott Oviatt, the NRCS snow survey supervisor.

Interior secretary supports Klamath dam removal

KLAMATH FALLS, Ore. (AP) — The U.S. Secretary of Interior supports the removal of four hydroelectric dams on the Klamath River.

The Herald & News reports that Secretary Sally Jewell endorsed the plan Monday in a letter sent to the Federal Energy Regulatory Commission asking it to approve an application for dam demolition.

The dam would also be transferred from its current owner, PacifiCorp, to Klamath River Renewal Corp., a consortium of federal, state and local officials. That would relieve PacifiCorp of all liability once the dams are decommissioned and removed.

The Klamath County ballot will still contain an up or down vote on whether the dams should be removed, but it is mostly symbolic. It could be used as an argument against the project if the vote is overwhelmingly against dam removal.

Oregon barn fire leads to wetland dispute

Hay exporter accused of violating law by rebuilding

By **MATEUSZ PERKOWSKI**
Capital Press

JUNCTION CITY, Ore. — Hay exporter Jesse Bounds knew it’d be a rough summer when two of his barns burned down in mid-July.

A fire ignited spontaneously in his field and soon consumed the structures, which contained roughly \$500,000 of straw.

“It was so windy that day that it blew through the buildings in like five minutes,” said Bounds, who also bales straw and compresses it at his facility here.

Problems with the insurance company left Bounds short of money to rebuild both barns at a time when his income was drastically reduced from the loss of straw, he said. “I’m just bleeding to death.”

Then came a blow from an unexpected direction: Oregon’s Department of State Lands notified Bounds he’d violated Oregon’s removal-fill law by attempting to rebuild in a wetland.

The letter came as a shock. “I was literally sick to my stomach,” Bounds said.

His surprise sprang from the fact the property isn’t identified as a wetland on county maps and he’d received the necessary county permits to begin construction.

“The problem is the county and state don’t work on this issue,” he said. “If they’re really trying to protect wetlands, why would they allow the county to give me building permits again?”

Bounds suspects that DSL’s interest in the property was sparked by a complaint from a neighbor with whom he’s had disagreements, since the agency did not protest when he first built the storage facilities in 2014.

He’s already rebuilt one



Mateusz Perkowski/Capital Press

Hay exporter Jesse Bounds examines a hole dug on his property to study whether it's a wetland. Oregon’s Department of State Lands accuses him of rebuilding a burned barn in a wetland contrary to state fill/removal law.



Mateusz Perkowski/Capital Press

Hay exporter Jesse Bounds on his land near Junction City. Oregon’s Department of State Lands accuses him of rebuilding a burned barn in a wetland contrary to the state’s removal-fill law.

barn but worries he’ll still be required to spend roughly \$57,000 on wetland mitigation on each of the 12 acres that DSL claims are wetlands because they contain hydric soils. Generally, such mitigation involves buying credits from a wetland bank that’s been developed elsewhere.

Bounds said the agency

effectively declared the area a wetland and then forced him to prove it’s not.

“They come at you like they’re the police. They automatically think you’re in violation,” he said.

Julie Curtis, public information manager for DSL, acknowledged “the timing of our enforcement action

was unfortunate due to Mr. Bounds’s recent fire.”

“However, as a regulatory agency, the Department of State Lands is bound by its statutory and rule responsibilities with regard to protecting Oregon’s wetlands and waterways,” Curtis said in an email. “We always strive to resolve violations in a way that ideally will facilitate accomplishing the applicant’s goals, while meeting the state’s requirements to protect Oregon’s wetlands and waterways.”

DSL acknowledged that a “forensic wetland delineation” on the property would be difficult and therefore the agency was willing to discuss alternative methods for defining the area where mitigation would be required, according to an agency email sent to a wetland consultant hired by Bounds.

The agency has agreed to postpone taking any action in Bounds’ case until the end of the 2017 legislative ses-

sion next July, when it will be “re-engaging with Mr. Bounds to determine how to resolve the matter,” Curtis said.

Oregonians In Action, a nonprofit property rights group, believes it may have a legislative solution that would solve such problems for Bounds and other farmers in similar situations.

The underlying problem is that state and county maps may show that a property isn’t a wetland, but that doesn’t necessarily mean DSL can’t later determine it’s actually a wetland, said Dave Hunnicutt, the group’s executive director.

“DSL isn’t limited to the places listed on their state and local wetland inventory,” he said. “The maps are misleading to the public and can’t be relied upon.”

It’s unfair to expect landowners to pre-emptively check whether every portion of their property is a wetland, particularly since such determinations are often based on soil tests rather than stereotypical wetland characteristics, Hunnicutt said.

“It’s not a pond, it’s not a marsh, there are no cattails. It’s just a field,” he said. “If you can’t rely on the maps, then why do they have them in the first place?”

It’s also unrealistic for DSL to examine every property that’s permitted for development, which is why the process is largely complaint-driven, Hunnicutt said.

Hunnicutt plans to ask a legislator to introduce a bill clarifying that properties not classified as wetlands on local and state inventories are exempt from the removal-fill law.

In the alternative, the exemption would be narrowed to the rebuilding of agricultural buildings, which would be more specifically tailored to Bounds.

“The Legislature needs to step in and make sure what’s happening to Jesse doesn’t happen to anyone else,” Hunnicutt said.

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